



PRELIMINARY DRAFT
No. 3126

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2012 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 35-45-6.

Synopsis: Unauthorized practice of law. Provides that the practice of law by a person who is not an attorney is considered racketeering activity for purposes of the law concerning racketeer influenced and corrupt organizations.

Effective: July 1, 2012.



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-45-6-0.1, AS ADDED BY P.L.220-2011,
2 SECTION 607, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2012]: Sec. 0.1. **(a)** The following amendments
4 to this chapter apply as follows:

5 (1) The amendments made to section 1 of this chapter by
6 P.L.112-1998 apply only to offenses committed after June 30,
7 1998.

8 (2) The amendments made to section 1 of this chapter by
9 P.L.17-2001 apply only to offenses committed after June 30,
10 2001.

11 (3) The amendments made to section 1 of this chapter by
12 P.L.227-2007 apply only to crimes committed after June 30, 2007.

13 (4) The amendments made to section 1 of this chapter by
14 P.L.143-2009 apply only to crimes committed after June 30, 2009.

15 **(b) Section 1(e)(37) of this chapter applies only to crimes**
16 **committed after June 30, 2012.**

17 SECTION 2. IC 35-45-6-1, AS AMENDED BY P.L.182-2011,
18 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2012]: Sec. 1. (a) The definitions in this section apply
20 throughout this chapter.

21 (b) "Documentary material" means any document, drawing,
22 photograph, recording, or other tangible item containing compiled data
23 from which information can be either obtained or translated into a
24 usable form.

25 (c) "Enterprise" means:

26 (1) a sole proprietorship, corporation, limited liability company,
27 partnership, business trust, or governmental entity; or

28 (2) a union, an association, or a group, whether a legal entity or
29 merely associated in fact.

30 (d) "Pattern of racketeering activity" means engaging in at least two

31 (2) incidents of racketeering activity that have the same or similar



1 intent, result, accomplice, victim, or method of commission, or that are
 2 otherwise interrelated by distinguishing characteristics that are not
 3 isolated incidents. However, the incidents are a pattern of racketeering
 4 activity only if at least one (1) of the incidents occurred after August
 5 31, 1980, and if the last of the incidents occurred within five (5) years
 6 after a prior incident of racketeering activity.

7 (e) "Racketeering activity" means to commit, to attempt to commit,
 8 to conspire to commit a violation of, or aiding and abetting in a
 9 violation of any of the following:

- 10 (1) A provision of IC 23-19, or of a rule or order issued under
- 11 IC 23-19.
- 12 (2) A violation of IC 35-45-9.
- 13 (3) A violation of IC 35-47.
- 14 (4) A violation of IC 35-49-3.
- 15 (5) Murder (IC 35-42-1-1).
- 16 (6) Battery as a Class C felony (IC 35-42-2-1).
- 17 (7) Kidnapping (IC 35-42-3-2).
- 18 (8) Human and sexual trafficking crimes (IC 35-42-3.5).
- 19 (9) Child exploitation (IC 35-42-4-4).
- 20 (10) Robbery (IC 35-42-5-1).
- 21 (11) Carjacking (IC 35-42-5-2).
- 22 (12) Arson (IC 35-43-1-1).
- 23 (13) Burglary (IC 35-43-2-1).
- 24 (14) Theft (IC 35-43-4-2).
- 25 (15) Receiving stolen property (IC 35-43-4-2).
- 26 (16) Forgery (IC 35-43-5-2).
- 27 (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
- 28 (18) Bribery (IC 35-44-1-1).
- 29 (19) Official misconduct (IC 35-44-1-2).
- 30 (20) Conflict of interest (IC 35-44-1-3).
- 31 (21) Perjury (IC 35-44-2-1).
- 32 (22) Obstruction of justice (IC 35-44-3-4).
- 33 (23) Intimidation (IC 35-45-2-1).
- 34 (24) Promoting prostitution (IC 35-45-4-4).
- 35 (25) Professional gambling (IC 35-45-5-3).
- 36 (26) Maintaining a professional gambling site
- 37 (IC 35-45-5-3.5(b)).
- 38 (27) Promoting professional gambling (IC 35-45-5-4).
- 39 (28) Dealing in or manufacturing cocaine or a narcotic drug
- 40 (IC 35-48-4-1).
- 41 (29) Dealing in or manufacturing methamphetamine
- 42 (IC 35-48-4-1.1).
- 43 (30) Dealing in a schedule I, II, or III controlled substance
- 44 (IC 35-48-4-2).
- 45 (31) Dealing in a schedule IV controlled substance
- 46 (IC 35-48-4-3).



- 1 (32) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 2 (33) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic
- 3 cannabinoid (IC 35-48-4-10).
- 4 (34) Money laundering (IC 35-45-15-5).
- 5 (35) A violation of IC 35-47.5-5.
- 6 (36) A violation of any of the following:
- 7 (A) IC 23-14-48-9.
- 8 (B) IC 30-2-9-7(b).
- 9 (C) IC 30-2-10-9(b).
- 10 (D) IC 30-2-13-38(f).
- 11 **(37) Practice of law by a person who is not an attorney**
- 12 **(IC 33-43-2-1).**

